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# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

JAMES GARRISON • Director

May 6, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Frank Lopez
J.S.I.D. File #17-0557
L.A.S.D. File #017-26249-1349-013

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 10, 2017 fatal shooting of Frank Lopez involving Los Angeles County Sheriff's Department Deputy Christopher Cadman. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Christopher Cadman, [redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.lacounty.gov

## MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Frank Lopez
J.S.I.D. File #17-0557
L.A.S.D. File #017-26249-1349-013

DATE: May 6, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 10, 2017, fatal shooting of Frank Lopez by Los Angeles County Sheriff's Department (LASD) Deputy Christopher Cadman. It is our conclusion that Deputy Cadman acted in lawful self-defense and defense of others at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on December 11, 2017, at approximately 11:00 p.m. The District Attorney's Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Joe Mendoza.

The following analysis is based on reports, recorded interviews, and photographs submitted to this office by the LASD Homicide Bureau, Detective Division. The voluntary statement of Deputy Cadman was considered in this analysis.

## FACTUAL ANALYSIS

On December 10, 2017 at approximately 9:12 p.m., LASD received an anonymous call of a suspicious person in the area of 185th Street and Norwalk Boulevard in Artesia. LASD communication division broadcasted, "male driving a dark unknown SUV, possible Explorer is driving around neighborhood looking into cars." Deputies [redacted] and [redacted] were assigned to the call. Six minutes later, at approximately 9:18 p.m., a second call was received from the same area. This call stated the suspect was driving a black SUV that was seen driving up onto lawns. The call further clarified that the suspect abandoned the vehicle and was seen running through a park in the direction of a church near South Street and Elaine Avenue. LASD communication division broadcasted "male driving up lawns in the neighborhood. Male abandoned an SUV."

Cadman was working patrol when [redacted] and [redacted] were assigned the call. Since Cadman was patrolling the area, he assigned himself to assist on the call. Cadman, [redacted] and [redacted] met south of the location to coordinate their response.

[redacted] left to check the west side of the park, while Cadman and [redacted] left to check the east side of the park. As Cadman drove north on Elaine Avenue, he was flagged down by a man standing on the sidewalk of Elaine Avenue, south of Droxford Street. The man told Cadman the suspect ran west on Droxford Street. At this time, Cadman saw a black SUV that matched the description from the call, parked on the grass, in the front yard of a home located at the [redacted] corner of the intersection of Elaine Avenue and Droxford Street.[1] See Figure 1.

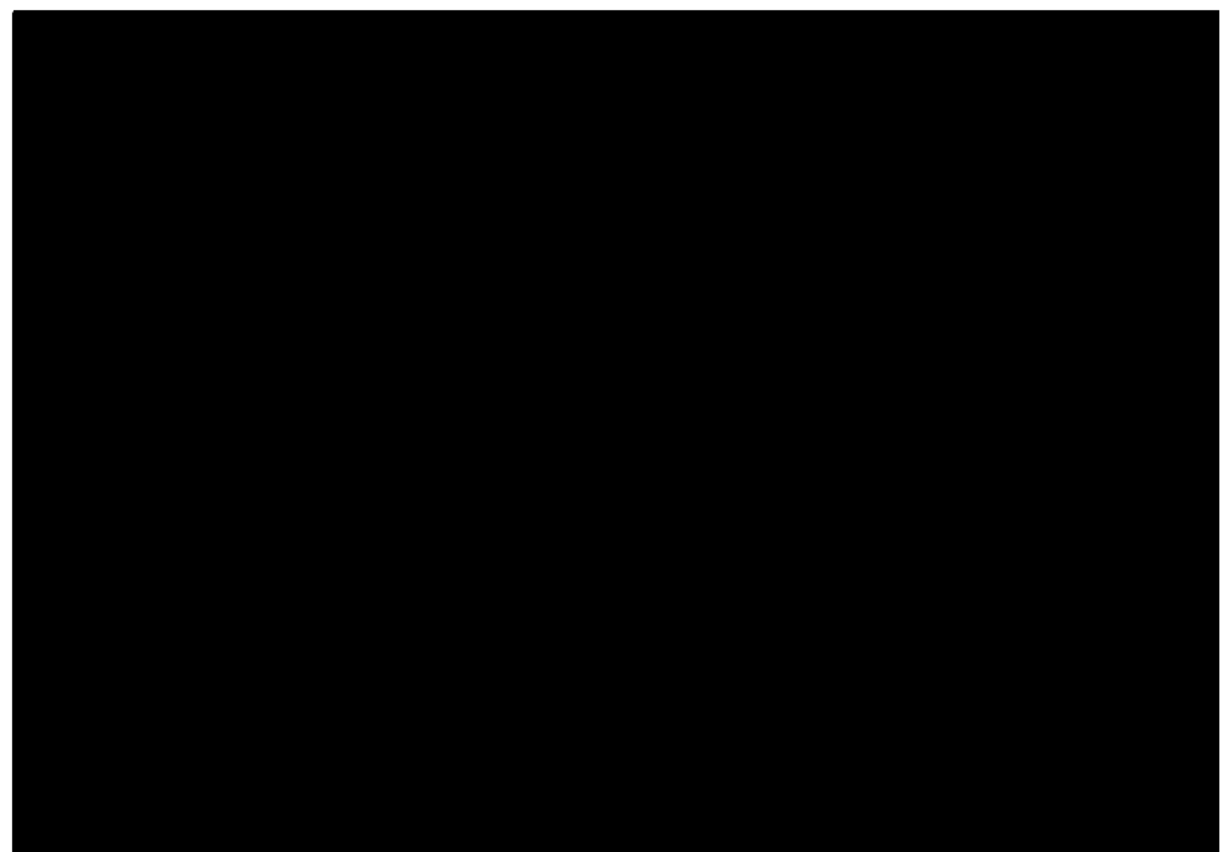


Figure 1: Lopez' vehicle abandoned on a grass yard at the southwest corner of Elaine Street and Droxford Street.

Cadman drove west on Droxford Street, a cul-de-sac, and turned off the lights of his patrol vehicle. This enabled him to see better while simultaneously concealing his vehicle. While parked, Cadman observed Lopez hiding on the south side of Droxford Street, between the [redacted] and [redacted] houses. Cadman saw Lopez' head and torso peak out from the side yard. See Figures 2 and 3.

[1] Witness [redacted] later told investigators that he observed Lopez park his vehicle on the grass, get out of his car, and chase another man on foot who was walking by.



*Figure 2: Google map image depicting Lopez' approximate location when Cadman first observed him.*

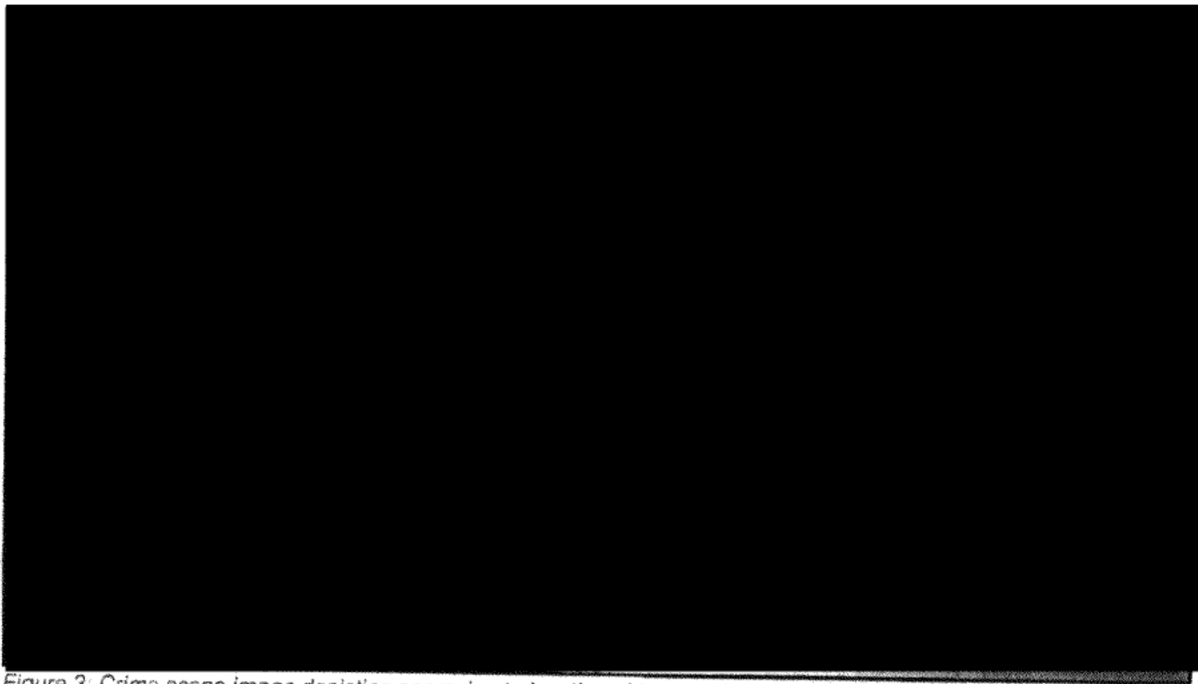


*Figure 3: Crime scene image depicting approximate location of Lopez when Cadman found him*

Cadman advised his partners over the radio that he had located the suspect at Droxford Street and Elaine Avenue. Cadman exited his car, walked to the curb in front of the house, and called out to Lopez. Cadman illuminated Lopez with a flashlight and ordered him to come out. Lopez walked casually towards Cadman. Cadman asked Lopez why he was hiding, and Lopez stated that he lived at the house. Cadman again asked Lopez why he was hiding and also asked him for

the address of the house. Lopez veered west and walked towards the next property and said "Fuck you!" to Cadman. Cadman drew his Taser and ordered Lopez to come back. In response, Lopez turned around and said to Cadman, "All right motherfucker. Let's fucking do this!"

Cadman stated that Lopez was approximately ten to 15 feet away, in the driveway of the house immediately west of where Lopez had been hiding, when Lopez assumed a traditional boxing/fighting stance with raised fists. Cadman aimed his Taser at Lopez and again ordered him to the ground. Lopez advanced four to five steps toward Cadman, causing Cadman to retreat two to three steps. Cadman deployed his Taser at Lopez. The Taser darts hit Lopez and he locked up for a second or two before he hunched over and dropped to his knees. Lopez then pulled the darts from his chest.

Cadman ordered Lopez to, "Lay down." Lopez, however, refused to comply with Cadman's order to lay down. Cadman broadcast that he was in a fight and then rushed at Lopez. Cadman kneed Lopez in the face and took him to the ground. Lopez landed on his back with Cadman straddling Lopez' waist. Cadman deployed a drive stun from his Taser to Lopez' chest and neck area. In response, Lopez bucked Cadman to one side and Cadman dropped his Taser. Cadman was able to maintain his position on top of Lopez as Lopez turned onto his left side and stomach. Cadman heard Sheriff Communication Center inquire if he was involved in a fight. Cadman confirmed he was and repeated his location. While Cadman was on the radio, Lopez hit Cadman in the face with an elbow. The strike stunned Cadman. In response, Cadman began punching Lopez in the face.

Cadman ordered Lopez to stop fighting, but Lopez did not comply. Lopez repeatedly struck Cadman with a hammerfist and Cadman continued to strike Lopez' face. Lopez did not appear to be affected by the strikes and kept resisting. The struggle continued for twenty to thirty seconds until [redacted] arrived and illuminated Lopez with her vehicle lights. With the increased lighting, Cadman observed that Lopez was holding something in his right hand. At this time, [redacted] ran towards them and she observed a shiny object in Lopez' hand. Cadman stopped striking Lopez and grabbed Lopez' right wrist.

Cadman realized that Lopez had cut Cadman's right hand. Cadman's arm was covered in blood that was pouring from his right hand.

[redacted] gripped Lopez' right hand with both of her hands, and Cadman gripped Lopez' right hand with his own right hand. Together, they pinned Lopez' hand against the sidewalk and saw that he was holding a knife.

[redacted] arrived and deployed a drive stun from his Taser to Lopez' stomach for three to four seconds. The Taser had no effect on Lopez, so [redacted] stomped on Lopez' right hand in an attempt to get Lopez to drop the knife. The deputies ordered Lopez to drop the knife multiple times. Lopez ignored these commands. Due to Lopez' refusal to drop the knife, [redacted] used his baton to jab Lopez' chest, face, and forearm in order to gain compliance. These actions did not cause Lopez to relinquish his knife.

The struggle exhausted Cadman and Lopez was able to free himself from Cadman's grip. In response, Cadman started punching the side of Lopez' body, which appeared to have no effect as well. [redacted] began to lose her grip on Lopez' hand and exclaimed, "I'm losing it! I'm losing his hand! He's getting his hand out!" [redacted] then lost control of Lopez' hand and Lopez cut her thumb with his knife.

Cadman drew his duty weapon, put it against Lopez' back, and announced that he was going to shoot. Cadman then shot Lopez twice. Lopez immediately stopped fighting and slumped over without making any sounds.

[redacted] kicked the knife from Lopez' hand. [redacted] and [redacted] then pulled Lopez onto his back and began rendering first aid. Deputy Quinton McGee arrived, relieved [redacted] and rendered first aid to Lopez with [redacted]

After the shooting occurred, Cadman and [redacted] took inventory of their bodies. In addition to their respective injuries, [redacted] noted that Lopez also cut her left sleeve during the struggle. See Figure 6.

Los Angeles County Fire Department arrived on scene and treated Lopez. Lopez was transported to Long Beach Memorial Hospital where he was pronounced dead at 10:13 p.m.

Cadman was armed with a fully loaded 9mm semiautomatic pistol with a maximum cartridge capacity of 21 rounds. After the OIS, the 9mm pistol was loaded with 19 cartridges. Two discharged 9mm casings were recovered at the scene.

A subsequent analytical download of Cadman's Taser revealed that his Taser was activated and deployed on December 10, 2017, at 9:27 p.m., for a five second cycle. A subsequent analytical download of [redacted] Taser showed that his Taser was activated and deployed on December 10, 2017, at 9:29 p.m., for a two second cycle.

On December 14, 2017 Deputy Medical Examiner Timothy Dutra performed a postmortem examination of Lopez' remains. An autopsy revealed Lopez suffered two fatal gunshot wounds. Both projectiles travelled through Lopez' right posterolateral chest, leftward, forward, and upward. Both projectiles were shot from an intermediate range. Lopez' toxicology test revealed he had 1.1 micrograms per milliliter of methamphetamine in his blood.

**Injuries**

Cadman's right hand was cut during the altercation.

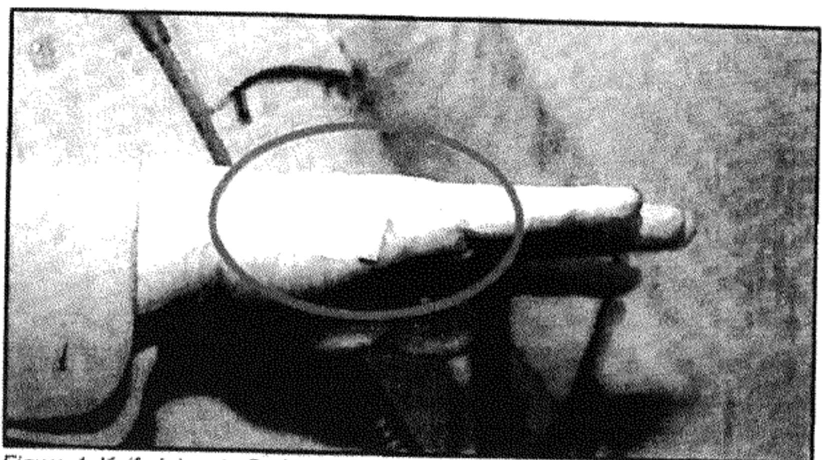


Figure 4: Knife injury to Cadman's right hand.

[redacted] left thumb and left shirt sleeve were cut during the altercation.

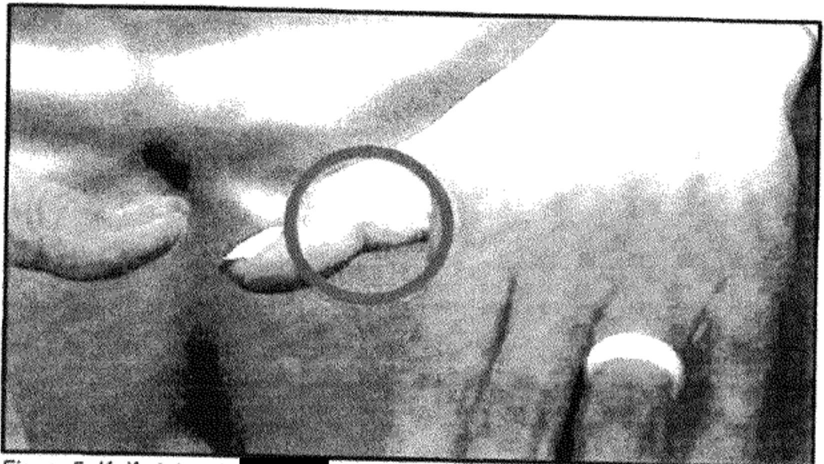


Figure 5: Knife injury to [redacted] left thumb.

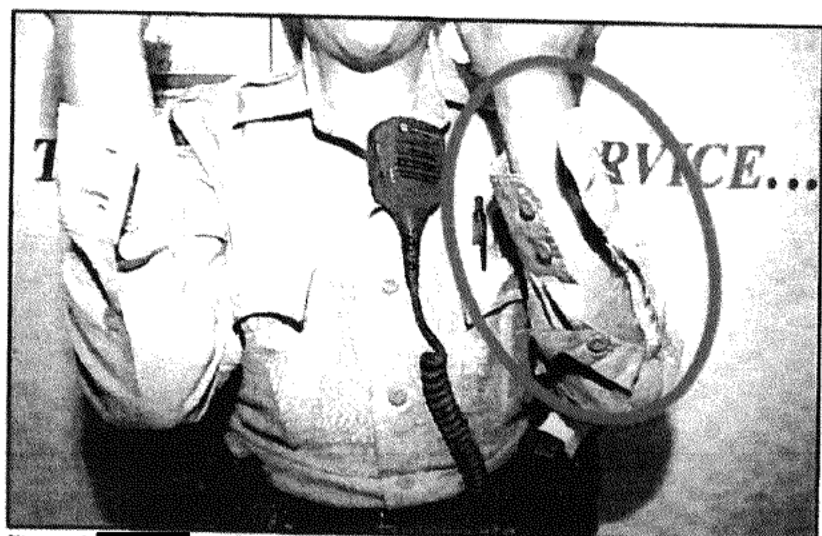


Figure 6: [redacted] cut left sleeve.

## LEGAL ANALYSIS

### The Law

California law permits the use of deadly force in self defense or in the defense of others if the person claiming the defense actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; see also, CALCRIM No. 505.

In protecting themself or another, a person may use all the force that they believe reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury that appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. Id.

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code § 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code § 196. A forcible and atrocious crime is one which threatens death or serious bodily harm. *Kortum v. Alkire* (1977) 69 Cal.App.3d 325, 333.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code § 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle, supra,* 206 Cal.App.4th at 1147. He may only resort to deadly force when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of

force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight… The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

**Analysis**

In this case, the deputies responded to the scene looking for a suspicious person who may have been a burglary suspect. Lopez abandoned his vehicle on a residential lawn and hid amongst residential trashcans. Due to Lopez' suspicious actions, Cadman approached Lopez with caution. Upon first encountering Lopez, Cadman asked Lopez to explain his presence. Lopez refused and immediately became aggressive with Cadman.

Lopez told Cadman, "All right motherfucker. Let's fucking do this!" and then took a fighting stance. Cadman drew his less lethal Taser in order to gain compliance. Cadman deployed his Taser at Lopez, but Lopez refused to comply with Cadman's order to lay down. To gain compliance, Cadman engaged in a physical fight with Lopez. During the fight, [redacted] and [redacted] assisted and also attempted to gain compliance from Lopez by utilizing non-lethal physical means.

Lopez refused to comply and escalated the danger to the deputies by utilizing a knife during the fight. Lopez cut Cadman's hand, causing him to bleed. Despite multiple orders to drop the knife, Lopez continued to resist until both Cadman and [redacted] could no longer restrain him. Lopez broke free and cut [redacted] with the knife. Cadman then drew his firearm and used deadly force to stop Lopez.

Lopez possessed a deadly weapon and used it to injure both Cadman and [redacted] Therefore, it was reasonable for Cadman, under this rapidly unfolding situation, to believe that Lopez posed a deadly threat to the deputies. As such, Cadman's decision to fire at Lopez to protect his life and the other deputies' lives was reasonable.

## CONCLUSION

For the foregoing reasons, we conclude that Deputy Christopher Cadman acted lawfully in self-defense and defense of others when he used deadly force against Frank Lopez. We are therefore closing our file and will take no further action in this matter.